

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2151

Introduced by Assembly Member Chu

February 17, 2016

An act to amend Section 11450 of the Welfare and Institutions Code, relating to CalWORKs.

LEGISLATIVE COUNSEL'S DIGEST

AB 2151, as amended, Chu. CalWORKs: special diet or food preparation needs allowance.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families block grant program, state, and county funds. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients, including an allowance for recurring special needs, as specified.

This bill would require that an additional allowance be paid each month in the amount of \$20 or actual expenses, whichever is greater, to a recipient who has a ~~special dietary~~ *special, diet-related food* need caused by a permanent or temporary medical condition, other than pregnancy. The bill would require the verification to be signed by a licensed physician, dentist, dietician, nutritionist, or other qualified health practitioner. By increasing the administrative duties of counties administering the CalWORKs program, the bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11450 of the Welfare and Institutions
2 Code is amended to read:
3 11450. (a) (1) (A) Aid shall be paid for each needy family,
4 which shall include all eligible brothers and sisters of each eligible
5 applicant or recipient child and the parents of the children, but
6 shall not include unborn children, or recipients of aid under Chapter
7 3 (commencing with Section 12000), qualified for aid under this
8 chapter. In determining the amount of aid paid, and notwithstanding
9 the minimum basic standards of adequate care specified in Section
10 11452, the family's income, exclusive of any amounts considered
11 exempt as income or paid pursuant to subdivision (e) or Section
12 11453.1, determined for the prospective semiannual period
13 pursuant to Sections 11265.1, 11265.2, and 11265.3, and then
14 calculated pursuant to Section 11451.5, shall be deducted from
15 the sum specified in the following table, as adjusted for
16 cost-of-living increases pursuant to Section 11453 and paragraph
17 (2). In no case shall the amount of aid paid for each month exceed
18 the sum specified in the following table, as adjusted for
19 cost-of-living increases pursuant to Section 11453 and paragraph
20 (2), plus any special needs, as specified in subdivisions (c), (e),
21 and (f):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

(B) If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of former Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) (1) When the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant child who is 18 years of age or younger at any time after verification of pregnancy, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the child and her child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision.

(2) Notwithstanding paragraph (1), when the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant woman for the month in which the birth is anticipated and for the six-month period immediately prior to the month in which the birth is anticipated, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the woman and child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision.

(3) Paragraph (1) shall apply only when the Cal-Learn Program is operative.

(c) The amount of forty-seven dollars (\$47) per month shall be paid to pregnant women qualified for aid under subdivision (a) or (b) to meet special needs resulting from pregnancy if the woman and child, if born, would have qualified for aid under this chapter. County welfare departments shall refer all recipients of aid under this subdivision to a local provider of the Women, Infants, and Children program. If that payment to pregnant women qualified for aid under subdivision (a) is considered income under federal law in the first five months of pregnancy, payments under this subdivision shall not apply to persons eligible under subdivision (a), except for the month in which birth is anticipated and for the three-month period immediately prior to the month in which delivery is anticipated, if the woman and child, if born, would have qualified for aid under this chapter.

(d) For children receiving AFDC-FC under this chapter, there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month that, when added to the child's income, is equal to the rate specified in Section 11460, 11461, 11462, 11462.1, or 11463. In addition, the child shall be eligible for special needs, as specified in departmental regulations.

(e) (1) In addition to the amounts payable under subdivision (a) and Section 11453.1, a family shall be entitled to receive an allowance for recurring special needs not common to a majority of recipients. These recurring special needs shall include, but not be limited to, ~~special diets or food preparation needs, as described in paragraph (2);~~ needs and unusual costs of transportation, laundry, housekeeping services, telephone, and utilities. ~~Except as provided in paragraph (2), the~~ The recurring special needs allowance for each family per month shall not exceed that amount resulting from

1 multiplying the sum of ten dollars (\$10) by the number of recipients
2 in the family who are eligible for assistance.

3 (2) Each recipient is entitled to a ~~special diet or food preparation~~
4 *special, diet-related food* needs allowance of twenty dollars (\$20)
5 per month, or actual verified expenses related to the ~~special diet~~
6 ~~or food preparation~~ *special, diet-related food* needs, whichever is
7 greater. The allowance shall be provided in the form of a
8 supplemental food benefit upon a county's receipt of verification
9 that a recipient has a special dietary need caused by a permanent
10 or temporary medical condition, other than pregnancy. This
11 verification shall be signed by a licensed physician, dentist,
12 dietician, nutritionist, or other qualified health practitioner.

13 (f) After a family has used all available liquid resources, both
14 exempt and nonexempt, in excess of one hundred dollars (\$100),
15 with the exception of funds deposited in a restricted account
16 described in subdivision (a) of Section 11155.2, the family shall
17 also be entitled to receive an allowance for nonrecurring special
18 needs.

19 (1) An allowance for nonrecurring special needs shall be granted
20 for replacement of clothing and household equipment and for
21 emergency housing needs other than those needs addressed by
22 paragraph (2). These needs shall be caused by sudden and unusual
23 circumstances beyond the control of the needy family. The
24 department shall establish the allowance for each of the
25 nonrecurring special needs items. The sum of all nonrecurring
26 special needs provided by this subdivision shall not exceed six
27 hundred dollars (\$600) per event.

28 (2) (A) Homeless assistance is available to a homeless family
29 seeking shelter when the family is eligible for aid under this
30 chapter. Homeless assistance for temporary shelter is also available
31 to homeless families that are apparently eligible for aid under this
32 chapter. Apparent eligibility exists when evidence presented by
33 the applicant, or that is otherwise available to the county welfare
34 department, and the information provided on the application
35 documents indicate that there would be eligibility for aid under
36 this chapter if the evidence and information were verified.
37 However, an alien applicant who does not provide verification of
38 his or her eligible alien status, or a woman with no eligible children
39 who does not provide medical verification of pregnancy, is not
40 apparently eligible for purposes of this section.

(B) A family is considered homeless, for the purpose of this section, when the family lacks a fixed and regular nighttime residence; or the family has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or the family is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. A family is also considered homeless for the purpose of this section if the family has received a notice to pay rent or quit. The family shall demonstrate that the eviction is the result of a verified financial hardship as a result of extraordinary circumstances beyond their control, and not other lease or rental violations, and that the family is experiencing a financial crisis that could result in homelessness if preventative assistance is not provided.

(3) (A) (i) A nonrecurring special needs benefit of sixty-five dollars (\$65) a day shall be available to families of up to four members for the costs of temporary shelter, subject to the requirements of this paragraph. The fifth and additional members of the family shall each receive fifteen dollars (\$15) per day, up to a daily maximum of one hundred twenty-five dollars (\$125). County welfare departments may increase the daily amount available for temporary shelter as necessary to secure the additional bedspace needed by the family.

(ii) This special needs benefit shall be granted or denied immediately upon the family's application for homeless assistance, and benefits shall be available for up to three working days. The county welfare department shall verify the family's homelessness within the first three working days ~~and~~ *and*, if the family meets the criteria of questionable homelessness established by the department, the county welfare department shall refer the family to its early fraud prevention and detection unit, if the county has such a unit, for assistance in the verification of homelessness within this period.

(iii) After homelessness has been verified, the three-day limit shall be extended for a period of time which, when added to the initial benefits provided, does not exceed a total of 16 calendar days. This extension of benefits shall be done in increments of one week and shall be based upon searching for permanent housing which shall be documented on a housing search form, good cause, or other circumstances defined by the department. Documentation

1 of a housing search shall be required for the initial extension of
2 benefits beyond the three-day limit and on a weekly basis thereafter
3 as long as the family is receiving temporary shelter benefits. Good
4 cause shall include, but is not limited to, situations in which the
5 county welfare department has determined that the family, to the
6 extent it is capable, has made a good faith but unsuccessful effort
7 to secure permanent housing while receiving temporary shelter
8 benefits.

9 (B) (i) A nonrecurring special needs benefit for permanent
10 housing assistance is available to pay for last month's rent and
11 security deposits when these payments are reasonable conditions
12 of securing a residence, or to pay for up to two months of rent
13 arrearages, when these payments are a reasonable condition of
14 preventing eviction.

15 (ii) The last month's rent or monthly arrearage portion of the
16 payment (I) shall not exceed 80 percent of the family's total
17 monthly household income without the value of CalFresh benefits
18 or special needs benefit for a family of that size and (II) shall only
19 be made to families that have found permanent housing costing
20 no more than 80 percent of the family's total monthly household
21 income without the value of CalFresh benefits or special needs
22 benefit for a family of that size.

23 (iii) However, if the county welfare department determines that
24 a family intends to reside with individuals who will be sharing
25 housing costs, the county welfare department shall, in appropriate
26 circumstances, set aside the condition specified in subclause (II)
27 of clause (ii).

28 (C) The nonrecurring special needs benefit for permanent
29 housing assistance is also available to cover the standard costs of
30 deposits for utilities which are necessary for the health and safety
31 of the family.

32 (D) A payment for or denial of permanent housing assistance
33 shall be issued no later than one working day from the time that a
34 family presents evidence of the availability of permanent housing.
35 If an applicant family provides evidence of the availability of
36 permanent housing before the county welfare department has
37 established eligibility for aid under this chapter, the county welfare
38 department shall complete the eligibility determination so that the
39 denial of or payment for permanent housing assistance is issued
40 within one working day from the submission of evidence of the

1 availability of permanent housing, unless the family has failed to
2 provide all of the verification necessary to establish eligibility for
3 aid under this chapter.

4 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
5 for the temporary shelter assistance and the permanent housing
6 assistance pursuant to this paragraph shall be limited to one period
7 of up to 16 consecutive calendar days of temporary assistance and
8 one payment of permanent assistance. Any family that includes a
9 parent or nonparent caretaker relative living in the home who has
10 previously received temporary or permanent homeless assistance
11 at any time on behalf of an eligible child shall not be eligible for
12 further homeless assistance. Any person who applies for homeless
13 assistance benefits shall be informed that the temporary shelter
14 benefit of up to 16 consecutive days is available only once in a
15 lifetime, with certain exceptions, and that a break in the consecutive
16 use of the benefit constitutes permanent exhaustion of the
17 temporary benefit.

18 (ii) A family that becomes homeless as a direct and primary
19 result of a state or federally declared natural disaster shall be
20 eligible for temporary and permanent homeless assistance.

21 (iii) A family shall be eligible for temporary and permanent
22 homeless assistance when homelessness is a direct result of
23 domestic violence by a spouse, partner, or roommate; physical or
24 mental illness that is medically verified that shall not include a
25 diagnosis of alcoholism, drug addiction, or psychological stress;
26 or, the uninhabitability of the former residence caused by sudden
27 and unusual circumstances beyond the control of the family
28 including natural catastrophe, fire, or condemnation. These
29 circumstances shall be verified by a third-party governmental or
30 private health and human services agency, except that domestic
31 violence may also be verified by a sworn statement by the victim,
32 as provided under Section 11495.25. Homeless assistance payments
33 based on these specific circumstances may not be received more
34 often than once in any 12-month period. In addition, if the domestic
35 violence is verified by a sworn statement by the victim, the
36 homeless assistance payments shall be limited to two periods of
37 not more than 16 consecutive calendar days of temporary assistance
38 and two payments of permanent assistance. A county may require
39 that a recipient of homeless assistance benefits who qualifies under
40 this paragraph for a second time in a 24-month period participate

1 in a homelessness avoidance case plan as a condition of eligibility
2 for homeless assistance benefits. The county welfare department
3 shall immediately inform recipients who verify domestic violence
4 by a sworn statement of the availability of domestic violence
5 counseling and services, and refer those recipients to services upon
6 request.

7 (iv) If a county requires a recipient who verifies domestic
8 violence by a sworn statement to participate in a homelessness
9 avoidance case plan pursuant to clause (iii), the plan shall include
10 the provision of domestic violence services, if appropriate.

11 (v) If a recipient seeking homeless assistance based on domestic
12 violence pursuant to clause (iii) has previously received homeless
13 avoidance services based on domestic violence, the county shall
14 review whether services were offered to the recipient and consider
15 what additional services would assist the recipient in leaving the
16 domestic violence situation.

17 (vi) The county welfare department shall report necessary data
18 to the department through a statewide homeless assistance payment
19 indicator system, as requested by the department, regarding all
20 recipients of aid under this paragraph.

21 (F) The county welfare departments, and all other entities
22 participating in the costs of the CalWORKs program, have the
23 right in their share to any refunds resulting from payment of the
24 permanent housing. However, if an emergency requires the family
25 to move within the 12-month period specified in subparagraph
26 (E), the family shall be allowed to use any refunds received from
27 its deposits to meet the costs of moving to another residence.

28 (G) Payments to providers for temporary shelter and permanent
29 housing and utilities shall be made on behalf of families requesting
30 these payments.

31 (H) The daily amount for the temporary shelter special needs
32 benefit for homeless assistance may be increased if authorized by
33 the current year's Budget Act by specifying a different daily
34 allowance and appropriating the funds therefor.

35 (I) No payment shall be made pursuant to this paragraph unless
36 the provider of housing is a commercial establishment, shelter, or
37 person in the business of renting properties who has a history of
38 renting properties.

39 (g) The department shall establish rules and regulations ensuring
40 the uniform statewide application of this section.

1 (h) The department shall notify all applicants and recipients of
2 aid through the standardized application form that these benefits
3 are available and shall provide an opportunity for recipients to
4 apply for the funds quickly and efficiently.

5 (i) (A) Except for the purposes of Section 15200, the amounts
6 payable to recipients pursuant to Section 11453.1 shall not
7 constitute part of the payment schedule set forth in subdivision
8 (a).

9 (B) The amounts payable to recipients pursuant to Section
10 11453.1 shall not constitute income to recipients of aid under this
11 section.

12 (j) For children receiving Kin-GAP pursuant to Article 4.5
13 (commencing with Section 11360) or Article 4.7 (commencing
14 with Section 11385) there shall be paid, exclusive of any amount
15 considered exempt as income, an amount of aid each month, which,
16 when added to the child's income, is equal to the rate specified in
17 Sections 11364 and 11387.

18 (k) (1) A county shall implement the semiannual reporting
19 requirements in accordance with Chapter 501 of the Statutes of
20 2011 no later than October 1, 2013.

21 (2) Upon completion of the implementation described in
22 paragraph (1), each county shall provide a certificate to the director
23 certifying that semiannual reporting has been implemented in the
24 county.

25 (3) Upon filing the certificate described in paragraph (2), a
26 county shall comply with the semiannual reporting provisions of
27 this section.

28 SEC. 2. No appropriation pursuant to Section 15200 of the
29 Welfare and Institutions Code shall be made for purposes of
30 implementing this act.

31 SEC. 3. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.